

REMARKS

Claims 1-68 are now pending in the application. Claims 69-104 were previously cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 101

Claims 59-68 are rejected under 35 U.S.C. 101 because claims 59-68 are drawn to a “program” *per se* as recited in the preamble and as such is non-statutory subject matter. This rejection is respectfully traversed.

Claims 59-68 are now directed to a computer program stored on a computer-readable medium and executable by a computer. Per the USPTO guidelines at page 50, “functional descriptive material consists of data structures and computer programs which impart functionality when employed as a computer component ... When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” **USPTO “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility”, October 26, 2005.** “Claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory.” **Page 53, USPTO “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility”, October 26, 2005.**

No new matter has been entered by the foregoing amendment. For at least the foregoing reasons, Claims 59-68 present statutory subject matter since they recite a computer program that is stored on a computer-readable medium and executable by a computer.

REJECTION UNDER 35 U.S.C. § 102

Claims 9, 10, 17, 18, 33, 34, 41, 42, 49, 50, 58-60, and 68 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Carlson et al. (U.S. Pat. No. 5,909,330). This rejection is respectfully traversed.

Claims 9, 17, 33, 41, 49, and 59 were cancelled. Claims 10, 18, 34, 42, 50, 58, 60, and 68 now depend from allowable or allowed claims. Therefore, this rejection is now moot.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 2, 25, 26, 57, and 67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlson and Good et al. (U.S. Pat. No. 5,377,058). This rejection is respectfully traversed.

Claims 1 and 25 were cancelled. Claims 2, 26, 57, and 67 now depend from allowable or allowed claims. Therefore, this rejection is now moot.

ALLOWABLE SUBJECT MATTER

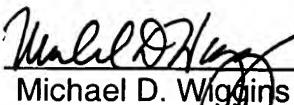
The Examiner states that claims 3-8, 11-16, 19-24, 27-32, 35-40, 43-48 and 51-56 are allowed.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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